

CITY OF ALAMEDA PLANNING BOARD DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING
PLN11-0372 – USE PERMIT, AT 1537 WEBSTER STREET

WHEREAS, an application was made on December 7, 2011, by Robert Arquero, requesting a use permit for tattoo use on the ground floor within the Webster Street Community Commercial zoning district; and

WHEREAS, the application was accepted as complete on December 15, 2011; and

WHEREAS, the project site is designated Community Commercial on the General Plan Diagram; and

WHEREAS, Planning Board held a public hearing on this application on January 9, 2012; and

WHEREAS, the Planning Board has made the following findings concerning the project:

- 1. The location of the proposed use is compatible with other land uses in the general neighborhood area, and the project design and size is architecturally, aesthetically, and operationally harmonious with the community and surrounding development.**

The proposed tattoo studio use, as conditioned, will occupy an approximately 1,500 square foot portion of an existing commercial space. It will be low-intensity in use, as no more than eight clients would be served at a time. The proposed space is on a commercially zoned (C-C) parcel formerly used for automobile sales. The properties to the north, south, and east are zoned C-C as well. The properties to the west are zoned R-4. The proposed use is not projected to create large amount of noise, light, or waste. No change to the building façade other than signage is proposed. All signage will be subject to a sign and building permits under a separate review.

- 2. The proposed use will be served by adequate transportation and service facilities, including pedestrian, bicycle and transit facilities.**

The proposed site is along the Webster Street commercial corridor. The General Plan designates Webster Street as a Primary Transit street and it has seven bus lines providing both local, trans-bay, and night service. Webster Street is also classified as a Commercial Main street supporting pedestrian-oriented retail. Bicycle racks are located throughout Webster Street including one in front of each building on either side of the subject site. The site has two off-street parking spaces for use by employees of this

tenant space. Like most sites developed within the C-C district no increase of off-street parking is possible. A City owned public parking lot is located approximately 400 feet away on Haight Avenue.

3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity and will not have deleterious effects on existing business districts or the local economy.

The proposed tattoo studio use as conditioned, will be a combination of retail sales and personal services that fits within the pedestrian oriented commercial uses that make up the Webster Street district. It is an established Fremont-based business with an existing client base. It will have a total of eight tattoo stations and limited retail sales of jewelry and Inkies-branded fashion accessories, will be a low-intensity use that provides a professional service. It will not create a public nuisance.

4. The proposed use relates favorably to the General Plan.

The Community Commercial designation includes uses such as, “include small retail stores, department stores, motels, automobile sales and service, and offices, depending on location.” The proposed tattoo studio with limited retail use will provide a low intensity use consistent with the General Plan designation for Webster Street corridor and guiding policies 2.5.b (to revitalize Main Street business districts) and 2.5.d (to continue to support and promote Webster Street as the shopping, dining, entertainment, and community service center for present and future residents west of the West End) and 2.5.i (to support, encourage and foster new retail development to serve the West End of Alameda).

BE IT RESOLVED THAT, the project is Categorically Exempt from additional environmental review pursuant to CEQA Guidelines Section 15301 – Existing Facilities.

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby approves Use Permit, PLN11-0372 for a use permit allowing a ground floor tattoo studio subject to compliance with the following conditions:

- (1) This approval shall expire and become void unless authorized use of the property has commenced, or by **January 9, 2014**.
- (2) All signage shall be subject to a Sign Permit and must comply with the Webster Street Design Manual. Any additional exterior changes shall be submitted to the Community Development Department for review and approval prior to construction.
- (3) **HOLD HARMLESS.** The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, its Redevelopment Agency, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney’s fees) against the City of Alameda, Alameda Redevelopment Agency,

Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning and Building Department, Alameda City Planning Board, the City of Alameda Redevelopment Agency or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

* * * * *